

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that Engrossed Senate Bill 127 be amended to read as follows:

- 1 Page 2, between lines 16 and 17, begin a new paragraph and insert:
- 2 "SECTION 2. IC 3-9-2.5 IS ADDED TO THE INDIANA CODE
- 3 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
- 4 UPON PASSAGE]:
- 5 **Chapter 2.5. Prohibited Political Contributions**
- 6 **Sec. 1. The definitions in IC 3-5-2 apply to this chapter to the**
- 7 **extent they do not conflict with the definitions in this chapter.**
- 8 **Sec. 2. As used in this chapter, "authority" refers to the Indiana**
- 9 **finance authority.**
- 10 **Sec. 3. As used in this chapter, "candidate" refers to any of the**
- 11 **following:**
- 12 **(1) A candidate for a state office.**
- 13 **(2) A candidate for a legislative office.**
- 14 **(3) A candidate for a local office.**
- 15 **Sec. 4. As used in this chapter, "committee" refers to any of the**
- 16 **following:**
- 17 **(1) A candidate's committee.**
- 18 **(2) A regular party committee.**
- 19 **(3) A committee organized by a legislative caucus of the house**
- 20 **of representatives of the general assembly.**
- 21 **(4) A committee organized by a legislative caucus of the senate**
- 22 **of the general assembly.**
- 23 **Sec. 5. As used in this chapter, "contract" refers only to the**
- 24 **following contracts:**
- 25 **(1) A contract with the authority or operator that:**

- (A) qualifies as a major procurement; or
 (B) is for auditing services;
 related to a public-private agreement or a project.
 (2) A contract with a person that has a contract with the
 authority or an operator that:
 (A) qualifies as a major procurement; or
 (B) is for auditing services;
 related to a public-private agreement or a project.

Sec. 6. As used in this chapter, "contractor" means a person
 that has a contract with:

- (1) the authority or an operator; or
 (2) a person that has a contract with the authority or an
 operator.

Sec. 7. As used in this chapter, "department" refers to the
 Indiana department of transportation.

Sec. 8. As used in this chapter, "major procurement" means a
 contract that provides for payments to any party over the term of
 the contract of at least one million dollars (\$1,000,000) in return for
 property or services, or both.

Sec. 9. As used in this chapter, "officer" refers only to either of
 the following:

- (1) An individual listed as an officer of a corporation in the
 corporation's most recent annual report.
 (2) An individual who is a successor to an individual described
 in subdivision (1).

Sec. 10. As used in this chapter, "operator" means a private
 entity that has entered into a public-private agreement with the
 authority.

Sec. 11. As used in this chapter, "project" means:

- (1) a highway, road, or bridge;
 (2) a limited access facility (as defined in IC 8-23-1-28).
 (3) a toll road project (as defined in IC 8-15-2-4(4));
 (4) a tollway (as defined in IC 8-15-3-7);
 (5) all or part of a bridge, tunnel, overpass, underpass,
 interchange, structure, ramp, access road, service road,
 entrance plaza, approach, tollhouse, utility corridor, toll
 gantry, rest stop, service area, or administration, storage, or
 other building or facility that is appurtenant to any of the
 facilities described in this section; or
 (5) an improvement, betterment, enlargement, extension, or
 reconstruction of all or part of any of the facilities described
 in this section.

Sec. 12. As used in this chapter, "public-private agreement"
 means:

- (1) a BOT agreement entered into under IC 5-23;
 (2) an operating agreement entered into under IC 5-23;

1 (3) a design-build contract entered into under IC 5-30; or
 2 (4) an agreement under any other statute;
 3 between a private entity and the authority, or between a private
 4 entity and the department, under which the private entity, acting
 5 on behalf of the authority or the department, will plan, design,
 6 acquire, construct, reconstruct, improve, extend, expand, lease,
 7 operate, repair, manage, maintain, or finance a project.

8 Sec. 13. For purposes of this chapter, a person is considered to
 9 have an interest in an operator if the person satisfies any of the
 10 following:

- 11 (1) The person holds any interest in an operator.
- 12 (2) The person is an officer of an operator.
- 13 (3) The person is an officer of a person that holds any interest
- 14 in an operator.
- 15 (4) The person is a political action committee of an operator.

16 Sec. 14. An operator is considered to have made a contribution
 17 if a contribution is made by a person who has an interest in the
 18 operator.

19 Sec. 15. An operator or a person who has an interest in an
 20 operator may not make a contribution to a candidate or a
 21 committee during the following periods:

- 22 (1) The term during which the operator is a party to a
- 23 public-private agreement entered into under this article.
- 24 (2) The three (3) years following the final expiration or
- 25 termination of the public-private agreement described in
- 26 subdivision (1).

27 Sec. 16. A person is considered to have made a contribution
 28 under this section if a contribution is made by any of the following:

- 29 (1) The person.
- 30 (2) An officer of the person.
- 31 (3) A political action committee of the person.

32 Sec. 17. A contractor, an officer of a contractor, or a political
 33 action committee of a contractor may not make a contribution to
 34 a candidate or a committee:

- 35 (1) while the contract is in effect; and
- 36 (2) during the three (3) years following the final expiration or
- 37 termination of the contract.

- 1 **Sec. 18. A person who knowingly or intentionally violates this**
- 2 **chapter commits a Class D felony."**
- 3 Renumber all SECTIONS consecutively.
 (Reference is to ESB 127 as printed February 24, 2006.)

Representative Welch